

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 28, 1999**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., and Connie Hon, Deputy Clerk.

Each of the following:

B117187 First American Bank v. Construction Financial, Inc.

B127991 Becker v. Santa Anita Medical Marketing Management, Inc., et al.

Argument waived, cause submitted.

B115687      Methot  
                 v.  
                 Interstate Electric Company, Inc.

Merits:

Argued by Richard L. Kellner for appellant and by Gregory Grantham for appellant. Cause submitted.

B132272      Joseph F., et al.  
                 v.  
                 SCLA  
                 (Department of Children and Family Services, r.p.i.)

Merits:

Argued by Claire Boudov for petitioners and no appearance for real party in interest. Cause submitted.

DIVISION ONE (Continued)

B125229      Castaneda  
                 v.  
                 Zandt et al.

Merits:

Argued by Edmund G. Farrell for appellants and by Jeffrey W. Korn for respondent. Cause submitted.

B118368      Kabakoff et al.  
                 v.  
                 Truck Insurance Exchange

Merits:

Argued by Brendan J. Thorpe for appellants and by Linda Chalison for respondent. Cause submitted.

Spencer, P.J. leaves the bench.

B121597      Weisstein  
                 v.  
                 Weisstein

Merits:

Argued by Stephen Scott King for appellant and by Bradford L. Treusch for respondent. Cause submitted.

Spencer, P.J. resumes to the bench.

B128410      Lee et al.  
                 v.  
                 Sherman Block, as Sheriff, etc.

Merits:

Argued by Henry Patrick Nelson for respondent and by Craig Mordoh for appellants. Cause submitted.

DIVISION ONE (Continued)

B118939      Convy  
                 v.  
                 Tig Insurance Company

Merits:  
Argued by Don Howarth for appellant and by James P. Lemieux for respondent. Cause submitted.

Ortega, J. leaves the bench.

B119673      Latouf  
                 v.  
                 Los Angeles County District Attorney Gil Garcetti

Merits:  
Argued by Philip C. Latouf, appellant in propria persona and by Andrea Weinberg, deputy district attorney, for respondent. Cause submitted.

B122542      Reynolds  
                 v.  
                 T-Neck Records, Inc., et al.

Merits:  
Argued by William McKinnon for appellant and by Hillary Arrow Booth for respondents. Cause submitted.

Ortega, J. resumes to the bench.

B118529      Fernandez et al.  
                 v.  
                 Northern Automotive Corporation

Merits:  
Argued by Michael R. Rogers for respondents and by William S. Brunsten for appellant. Cause submitted.

DIVISION ONE (Continued)

B128543      Geranios

v.

Mount St. Mary's College, Inc.

Merits:

Argued by Stephen F. Rohde for appellant and by Stuart D. Tochner for respondent. Cause submitted.

B123425      Smith

v.

Cadwell

Merits:

Argued by Alexander J. Petale for appellant and by Howard Amster for respondent. Cause submitted.

B118013      Landers

v.

Board of Trustees of the California State University

Merits:

Argued by Michael R. Sohigian for appellant and by Laura D. Wolpow-Knapp for respondent. Cause submitted.

B120652      Parks

v.

BCS Insurance Company et al.

Merits:

Argued by Burton C. Jacobson for appellant and by James R. Willcox for respondents. Cause submitted.

## DIVISION ONE (Continued)

B125940      Counts et al.  
v.  
Pete Wilson, as Governor, etc., et al.

Merits:  
Argued by Richard I. Fine for respondents and by Christopher Foley, deputy attorney general, for appellants. Cause submitted.

B120438      Smith et al.  
v.  
Berkshire Hathaway, Inc., et al.

Merits:  
Argued by Leonard Sacks for appellants and by Stuart N. Senator for respondents. Cause submitted.

B120278      Platt  
v.  
Landi et al.

**Merits:**  
Argued by Robb M. Strom for appellant and by Kenneth I. Gross for respondent Landi; by Tonia Tompkins Tanguay for respondents 1301 S. Roxbury Owners Association; et al., and by Jeri E. Tabbac for respondents Gary & Marie Cohen. Cause submitted.

Court adjourned at 11:41 a.m.

B121612      Hahn      (Certified for Publication)  
v.  
State Board of Equalization

The judgment is affirmed. The Board of Equalization and IBM are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

July 28, 1999-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B126853 People (Not for Publication)  
v.  
Jimenez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B118906 People  
v.  
Guzman et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION ONE (Continued)

B132187      Plutarco U. et al.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Dept. of Children & Family Services, r.p.i.)

Plutarco's petition is denied. Jennifer's petition is granted, and the dependency court is directed to vacate its order terminating reunification services (as to Jennifer only), and to enter a new order directing reinstatement of reunification services, with specific instructions to DCFS to develop a plan gradually increasing the time Melody spends with Jennifer, arranging conjoint therapy for the grandparents with Melody and Jennifer (if necessary to aid Melody's transition to a permanent move back to her mother's custody) and, at the appropriate time, to return Melody to Jennifer.

Vogel (Miriam A.), J.

We concur:   Ortega, Acting P.J.  
                    Masterson, J.

DIVISION TWO

B120539      People      (Not for Publication)

v.

Stewart

The Court:

The judgment of conviction is affirmed. The judgment sentencing appellant to a total prison term of 20 years is modified to a total prison term of 17 years and 4 months, and execution of the sentence on count 2 is stayed, with the stay to become permanent when service of the sentence on count 1 is completed. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B126619 People (Not for Publication)  
v.  
Davis

The Court:

The judgment is reversed and the matter is remanded to the superior court with directions to permit appellant to exercise his right to trial by jury on the charged offense and enhancements. If appellant elects to waive trial by jury, the superior court is to reinstate the judgment.

Boren, P.J., Nott, J., Zebrowski, J.

B120844      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Jose R., Sr.

The judgment is affirmed.

Zebrowski, J.

We concur:   Boren, P.J.  
                  Mallano, J. (Assigned)

B108322 Mueller et al. (Not for Publication)  
v.  
St. Joseph Medical Center

The judgment is reversed. Respondents are to bear costs on appeal.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Nott, J.



July 28, 1999-Continued

## DIVISION TWO (Continued)

B120288      Ross      (Not for Publication)  
v.  
Careamerica Health Plans Inc., et al.

The judgment is affirmed.

Boren, P.J.

We concur: Zebrowski, J.  
Mallano, J. (Assigned)

B117791      Murchison      (Not for Publication)  
v.  
Bell et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

DIVISION THREE

B125935      John P. Pringle      (Certified for Publication)  
v.  
Frank La Chapelle

The judgment is affirmed. Costs on appeal are awarded to Renfrew.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

DIVISION THREE (Continued)

B120607      Edgar J. Cruz, et al.      (Not for Publication)  
                 v.  
                 Howard M. Jaffe and Walter S. Scott

The order is affirmed. Costs on appeal are awarded to respondents.

Aldrich, J.

We concur:   Klein, P.J.  
                 Kitching, J.

B130268      Debra W.      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (The Department of Children and Family Services, r.p.i.)

The alternative writ issued on April 9, 1999, is discharged and the petition for extraordinary writ is denied.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                 Kitching, J.

B123070      Newport Equity Capital Corp.      (Not for Publication)  
                 v.  
                 Irenda Corp., Inc. et al.

The judgment is affirmed. Newport Equity is to bear its own costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                 Kitching, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is modified to reflect a parole revocation fine in the amount of \$5,000 (Pen.Code, 1202.45). In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B117940      People  
v.  
Randolph J. Ware

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION FOUR

B123367      Parnell      (Not for Publication)  
v.  
World on Wheels, Inc.

The trial court's grant of summary judgment in favor of WOW is reversed and the case is remanded for further proceedings. Parnell is to recover her costs on appeal.

Kuhl, J. (Assigned)

We concur: Vogel (C.S.), P.J.  
Epstein, J.

## DIVISION FOUR (Continued)

B120333 People  
v.  
Lundy

Filed order denying petition for rehearing.

DIVISION FIVE

B120971      People      (Not for Publication)  
v.  
Benny Sanchez

The judgment is modified to reflect the imposition of a Penal Code section 1202.45 restitution fine. The clerk of superior court is directed to prepare an amended abstract of judgment which reflects all fines imposed. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B128787      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Deadra L.  
In re Robert L.

The December 22, 1998, order terminating the parental rights of Deadra L. as to her minor children, Robert, Amanda, and Jackalyne L., is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

July 28, 1999-Continued

DIVISION SIX

B127517 People (Not for Publication)  
v.  
Mendez

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

[illegible]

The clerk of the superior court is directed to modify the probation order to reflect penalty assessments of \$50 pursuant to Penal Code section 1464, and \$35 pursuant to Government Code section 76000. As so modified, the judgment (order granting probation) is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                       Matz, J. (Assigned)

B121113 California Spaceport Tours, Inc. (Not for Publication)  
v.  
Western Commercial Space Center, Inc.

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                     Matz, J. (Assigned)

DIVISION SIX (Continued)

B126855      Ventura County Human Services      (Not for Publication)  
                 v.  
                 Stacy M.

The judgment and orders are affirmed.

Matz, J. (Assigned)

We concur:    Yegan, Acting P.J.  
                 Coffee, J.

B124976      People      (Not for Publication)  
                 v.  
                 Miller

The judgment (order of recommitment) is affirmed.

Matz, J. (Assigned)

We concur:    Yegan, Acting P.J.  
                 Coffee, J.

B122540      People      (Not for Publication)  
                 v.  
                 Singson

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                 Matz, J. (Assigned)

July 28, 1999-Continued

## DIVISION SIX (Continued)

B122537      Cox      (Not for Publication)  
v.  
Southern California Gas Company

The judgment is affirmed. Costs are awarded to respondent.

Matz, J. (Assigned)

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.

B121367      People                          (Not for Publication)  
v.  
*Zarate*

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The judgment is modified to reflect nine additional days of presentence credit. As modified, the judgment is affirmed.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.  
Coffee, J.